

SERVICE DATE - DECEMBER 23, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-416 (Sub-No. 4X)

SAN BERNARDINO ASSOCIATED GOVERNMENTS—ABANDONMENT EXEMPTION—  
IN SAN BERNARDINO COUNTY, CA

Decided: December 22, 2003

Consistent with the Surface Transportation Board's decision in Orange County Transportation Authority, Riverside County Transportation Commission, San Bernardino Associated Governments, San Diego Metropolitan Transit Development Board, North San Diego County Transit Development Board—Acquisition Exemption—The Atchison, Topeka and Santa Fe Railway Company, Finance Docket No. 32173 et al. (STB served Mar. 12, 1997) (Transit Agencies), San Bernardino Associated Governments (SANBAG) filed a verified notice of exempt abandonment, and information otherwise required under 49 CFR 1152 Subpart F—Exempt Abandonments, to abandon any residual common carrier obligation on a 19.80-mile line of railroad on the Baldwin Park line, formerly operated by Southern Pacific Transportation Company (SP), between milepost 515.70 at the San Bernardino/Los Angeles Counties, CA border and milepost 535.50 in San Bernardino County, CA.<sup>1</sup> Notice of the exemption was served and published in the Federal Register on November 24, 2003 (68 FR 65993). The exemption is scheduled to become effective on December 24, 2003.

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding that was served on November 28, 2003. In the EA, SEA stated that SANBAG had advised that an environmental investigation was conducted by its independent environmental consultants, Burns and McDonnell, along the right-of-way (ROW). According to SANBAG, no hazardous materials spills or hazardous materials were identified on the ROW. However, SANBAG stated that several sites near the ROW required further characterization and/or remediation due to the presence of petroleum hydrocarbons. SANBAG noted that petroleum hydrocarbons are not considered hazardous. SANBAG stated that, with regard to the proposed abandonment, the California Department of Toxic Substances Control (CADTSC) advises that railroad activities may be a potential source of soil contamination and

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<sup>1</sup> Discontinuance authority was granted to SP for a 4.1-mile segment of the subject line in Southern Pacific Transp. Co. - Abandonment, 8 I.C.C.2d 495 (1992), modified, Southern Pac. Transp. Co. - Aban.- L.A. County, CA, 9 I.C.C.2d 385 (1993), and for the remainder of the subject line in Southern Pacific Transportation Company—Discontinuance of Service Exemption—San Bernardino County, CA, Docket No. AB-12 (Sub-No. 158X) (ICC served June 15, 1994).

appropriate soil analysis is recommended in the area adjacent to the railroad prior to abandonment. Therefore, SEA recommended that SANBAG consult with the CADTSC prior to commencing salvage activities.

SEA also stated that the California Regional Water Quality Control Board (CAWQCB) requested that SANBAG implement best management practices during salvage activities to avoid discharge of sediments into the streets, storm water conveyance channels, or waterways. Therefore, SEA recommended that SANBAG consult with the CAWQCB prior to commencing salvage activities.

SEA further stated that the State Historic Preservation Officer (SHPO) submitted comments stating that the railroad is eligible for listing in the National Register of Historic Places. The SHPO further advised that there is a high potential for all types of historic and archaeological resources based on sites in and around the railroad and, that a field survey should be undertaken in the project area. Therefore, SEA recommended that SANBAG retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Finally, SEA stated that the National Geodetic Survey (NGS) has identified two geodetic station markers EV3384 and EV3656 that may be affected by any salvage activities. Therefore, SEA recommends that SANBAG notify NGS not less than 90 days prior to any salvage activities that may disturb or destroy the two geodetic markers in order to plan for their relocation.

Comments on the EA were due by December 15, 2003. No comments were received. Accordingly, the environmental conditions recommended by SEA will be imposed. As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that: (1) SANBAG shall consult with the CADTSC prior to commencing salvage activities; (2) SANBAG shall consult with the CAWQCB prior to commencing salvage activities; (3) SANBAG shall retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the NHPA; and (4) SANBAG shall notify NGS not less than 90 days prior to any salvage activities that may disturb or destroy the two geodetic markers identified on the line in order to plan for their relocation.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary